

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

VIRGIL FLAVIU GEORGESCU,

Defendant.

No. 14-CR-799 (RA)

RONNIE ABRAMS, United States District Judge:

QUESTIONS FOR PROSPECTIVE JURORS

Please indicate if your answer to any of the following questions is “**yes**” by circling the number of that question and informing the Court when asked. If your answer to a question is “no,” you need not do anything. Do not write your name or make any other marks on the questionnaire. If, when asked about a “**yes**” answer, you prefer not to explain your answer in open court, please say so and we will talk at the bench.

I. General Questions

1. Based on the summary of the case, do you have any personal knowledge of the facts or allegations?
2. Do you have any opinions regarding the nature of the allegations that may affect your ability to be fair and impartial in this case?
3. Have you heard, read, or seen anything through the media, Internet, or any other source that you think, for any reason, may affect your ability to be fair and impartial in this case?

II. Trial Participants

4. Do you know or have you had any dealings with me, Judge Abrams, or any of my staff?
5. The defendant in this case is Virgil Flaviu Georgescu. Do you know or have you had any dealings with Mr. Georgescu or, to your knowledge, with any relative, friend, or associate of his?
6. The defendant in this case is represented by Albert Y. Dayan whose main office is located in Kew Gardens, New York. Do you know or have you had any dealings with Mr. Dayan?
7. The United States, which I will refer to as the government, is represented here, as in all cases where it is a party before this Court, by the United States Attorney for the Southern

District of New York, who is Preet Bharara. The trial will be in the immediate charge of Assistant United States Attorneys Ilan Graff and Andrea Surratt. They will be assisted in this case by Drug Enforcement Administration or DEA Special Agent Michael Connolly and by Joseph Rosenberg, a paralegal in the United States Attorney's Office. Do you know or have you had any dealings with Mr. Bharara, Mr. Graff, Ms. Surratt, Special Agent Connolly, or Mr. Rosenberg?

8. Do you know or have you had any dealings with any member of the staff of the United States Attorney's Office for the Southern District of New York or the Drug Enforcement Administration?
9. Have you, or, to your knowledge, any of your relatives or close friends, either as an individual or in the course of business, ever been a party to or had an interest in any legal action or dispute with the United States Attorney's Office, the Drug Enforcement Administration, or any of the officers, departments, agencies, or employees of the United States, including the Internal Revenue Service?
10. Do you have opinions about the United States Attorney's Office, the Drug Enforcement Administration, or any of the officers, departments, agencies, or employees of the United States, positive or negative, that may affect your ability to be fair and impartial in this case?
11. Do you have opinions about criminal defense attorneys, positive or negative, that may affect your ability to be fair and impartial in this case?

III. Trial Witnesses and Relevant Names and Places

12. The following is a list of people who may be witnesses in this case as well as people, places, and entities that may be mentioned during the trial:

People

- DEA Special Agent Robert J. Scott
- Customs and Border Protection (CBP) Officer Deep Chopra
- DEA Engineer Stanley Causey
- Massimo Romagnoli
- Cristian Vintila
- Andi Georgescu
- Marios Gaga
- Victor Chumakov
- Gintas Barauskas
- Gerardo Tanga
- Werner Wintermeyer
- Peter Mangicov
- Marco Montecchi
- Stefen Penchev
- Pellumb Nili
- Piotr Wrzesien
- Klodian Tace

Places

- Bucharest, Romania
- Tirana, Albania
- Gramsh, Albania
- Sofia, Bulgaria
- Tivat, Montenegro
- Podgorica, Montenegro
- Dortmund, Germany
- Frankfurt, Germany
- Rome, Italy
- Warsaw, Poland

Entities

- Drug Enforcement Administration
- Central Intelligence Agency
- Federal Bureau of Investigation
- Biem Company
- Ukrspecexport
- Deutsche Marketing Gesellschaft

Do you know or have you had any dealings with any of these individuals, places, or entities?

13. As you look around the room, do you recognize anyone you know?

IV. Questions Specific to the Case

14. Do you have any opinions about federal terrorism laws or their enforcement that may affect your ability to be fair and impartial in this case?

15. Do you have any personal feelings or experiences about law enforcement that may affect your ability to be fair and impartial in this case?

16. You will hear testimony that the defendant was born abroad and became a naturalized citizen. Naturalized citizens are entitled to the same rights under the Constitution as all American citizens. Do you have any opinions about naturalized citizens that may affect your ability to be fair and impartial in this case?

17. Some of the testimony and evidence in this case will be in foreign languages, including Spanish, Romanian, and Italian. Do you speak or understand any of those languages? Because all jurors are to consider the same evidence, a juror who understands the foreign language is to rely on the official English translation provided even if that translation differs from the juror's understanding of the testimony. Would you have any difficulty following that instruction?
18. You will hear testimony about the FARC. Have you had any dealings, directly or indirectly, with the FARC, members of the FARC, or any group associated with the FARC?
19. Do you know anything about the FARC that may affect your ability to be fair and impartial in this case?
20. You will hear testimony about firearms and other weapons. Do you have an opinion about firearms or weapons that may affect your ability to be fair and impartial in this case?

V. Experience as a Witness, Defendant, or Crime Victim

21. Have you, or any of your relatives or close friends, ever been arrested or convicted of a crime?
22. Have you, or any of your relatives or close friends, ever been a victim of a crime?
23. Have you, or any of your relatives or close friends, ever been a plaintiff, witness, or a complainant in any lawsuit, hearing, or trial, whether state, local, or federal?
24. Are you, or any of your relatives or close friends, now under subpoena or, to your knowledge, about to be subpoenaed in any criminal case or investigation?
25. Have you, or any of your relatives or close friends, ever been involved in or appeared as a witness in any investigation by a federal or state grand jury or by a Congressional or state legislative committee, licensing authority, or governmental agency?

VI. Prior Jury Service

26. Have you ever served as a member of a grand jury? If so, where and when?
27. Have you ever served as a juror in any court? If so, in what court did you serve? What type of case was it? Without telling the Court what it was, did the jury reach a verdict?

VII. Difficulties in Understanding or Serving

28. This trial is expected to last approximately two to three weeks. The jury will typically sit from 9:30 a.m. to 5:30 p.m. Do you have any personal or emotional hardship that prevents you from serving on the jury in this case?

29. Are you taking any medication or do you have a disability, or other physical or medical issue, that may distract you or otherwise interfere with your ability to serve on the jury in this case?
30. Do you have any problem with your hearing or vision that may interfere with your ability to serve on the jury in this case?
31. Do you have any problem understanding or reading English?

VIII. Basic Legal Principles

32. The function of the jury is to decide questions of fact. Nothing that the Court or the lawyers say or do may encroach in any way on your role as the exclusive fact finders. However, when it comes to the law, you must listen to the Court's instructions and accept and apply the law as the Court explains it. You may not substitute your notions of what the law is or what you think it should be. Would you have any difficulty following this instruction?
33. Under the law, a defendant is presumed innocent and cannot be found guilty of the crime charged in the Indictment unless a jury, after having heard all of the evidence in the case, unanimously decides that the evidence proves the defendant's guilt beyond a reasonable doubt. Do you have an opinion about the defendant's guilt simply by virtue of the fact that he has been charged in this case and sits here as a defendant?
34. In a criminal case, the burden of proof remains at all times with the government. The government must prove beyond a reasonable doubt each and every element of the charge you are considering. The defendant in a criminal case has absolutely no burden to prove that he is not guilty. Would you have any difficulty accepting and applying this rule of law?
35. A defendant in a criminal case has the right to testify and the right not to testify. If a defendant does not testify, you may not draw any inference against him based on that decision. The defendant's decision whether to testify may not enter into your deliberations at all. Would you have any difficulty accepting and applying this rule of law?
36. The witnesses in this case may include law enforcement personnel. You may not give the testimony of a law enforcement officer more or less weight than the testimony of other witnesses simply because the witness is a law enforcement officer. Would you have any difficulty accepting and applying this rule of law?
37. It is not a particularly pleasant duty to find another individual guilty of committing a crime. Do you feel that, even if the evidence established the defendant's guilt beyond a reasonable doubt, you would not be able to render a guilty verdict for reasons unrelated to the law and the evidence, including any religious, philosophical, or other belief?
38. In the alternative, if the government fails to prove the defendant's guilt beyond a reasonable doubt, would you have any difficulty rendering a verdict of not guilty?

39. Would you have any difficulty accepting the proposition that the question of punishment is for the Court alone to decide and that the possible punishment must not enter into your deliberations as to whether the defendant is guilty?
40. Do you believe that our system of criminal justice improperly favors either the prosecution or the defense?
41. In these questions, the Court has tried to direct your attention to possible reasons why you might not be able to sit as a fair and impartial juror. Apart from any prior question, do you have the slightest doubt in your mind, for any reason whatsoever, that you will be able to serve conscientiously, fairly, and impartially in this case, and to render a true and just verdict without fear, favor, sympathy, or prejudice, and according to the law as it will be explained to you?

QUESTIONS FOR INDIVIDUAL JURORS

1. Please state your name and the neighborhood in which you live. How long have you lived there?
2. Where were you born? Where did you grow up?
3. How far did you go in school?
4. If employed, who is your employer? What is your job title and what are your responsibilities? (If retired or unemployed, describe your most recent employment.)
5. How long have you been or were you employed in that position? Have you worked anywhere else within the last five years? If so, where?
6. Who are the members of your household and for whom do they work?
7. Do you have any adult children? If so, for whom do they work?
8. How do you get your news?
9. Do you read any newspapers or magazines on a regular basis? If so, which ones?
10. Do you watch any television shows on a regular basis? If so, which ones?
11. Do you visit any websites on a regular basis? If so, which ones?
12. What do you like to do in your spare time?